IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.Rev.Pet.No. 2037 of 2007()

CRA.157/1997 of ADDL. SESSIONS COURT-II, MAVELIKKARA
MC.32/1996 in C.C.440/93 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR.

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REVN. PETITIONER: REVISION PETITIONER/APPELLANT/SURETY:

PHILIPOSE VARKEY @ BABY A.P.,
AGED 51 YEARS, S/O. VARKEY, ARIKUPURATHU HOUSE,
MANARY P.O., ULAVOOR VILLAGE, MOOVATTUPUZHA.

BY ADV. SRI.RINNY STEPHEN CHAMAPARAMPIL

RESPONDENTS:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

CRL.R.P.NO. 2037 of 2007

Dated this the 28th day of May, 2007

ORDER

The revision petitioner is a surety to the absconding accused in C.C. No.440/93, the proceedings initiated for the offence under section 138 N.I.Act. The appellate court has reduced the penalty imposed to Rs.25,000/-. The revision petitioner/surety No.2/counter petitioner No.3 in M.C.32/1996 has only sought for the facility of instalment payment. It is submitted that he is a coolie and that he is not in a position to raise the amount.

2. In the circumstances, the revision petitioner is permitted to remit the amount of penalty in 10 equal monthly instalments starting from 11-6-2007. If any instalment amount is omitted to be paid by 11th of every month, he will be liable for the revenue recovery proceedings. Till then, the R.R. Proceedings is to be kept in abeyance.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,

kvm/- **JUDGE**

CRA 2

kvm/-